

OCT 07 2014

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

JULIA C. DUDLEY, CLERK
BY: DEPUTY CLERK

UNITED STATES OF AMERICA)	Criminal Case No. 5:12cr00015-1
)	
v.)	<u>2255 FINAL ORDER</u>
)	
JOSHUA SAMUEL KNAFEL,)	By: Michael F. Urbanski
Petitioner.)	United States District Judge

In accordance with the memorandum opinion entered this day, it is **ORDERED** and **ADJUDGED** that Knafel's motion (Docket No. 90) is **CONSTRUED** as a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, and the Clerk is **DIRECTED** to **DOCKET** it as such; the § 2255 motion is **DISMISSED without prejudice** as successive; Knafel's request for a hearing is **DENIED**; and the case is **STRICKEN** from the active docket.

Further, the court finds that Knafel has not made the requisite showing of the substantial denial of a constitutional right as required by 28 U.S.C. § 2253(c) and, therefore, a certificate of appealability is **DENIED**.

The Clerk is directed to send a copy of this Order and the accompanying Memorandum Opinion to petitioner.

ENTER: This 7th day of October, 2014.

/s/ Michael F. Urbanski

United States District Judge